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Singh - direct

1 that line.

2 Q. And why are those good accounts?

3 A. Checks will go through. They wouldn't raise a brow to put
4 a big amount of check in there.

5 Q. Were you aware whether or not Prince and Shyne found any
6 so-called good accounts?

7 A. Yes. There was a conversation about Riddick, the coach
8 account with SunTrust Bank.

9 MR. HOSS: Your Honor, I object just to foundation.
10 Who said what.

11 THE COURT: I assume you are going to go through the
12 details.

13 MS. PERRY: Yes, I am.

14 THE COURT: Okay.

15 Q. So, you heard something about Coach Riddick's account?

16 A. Yes. I just heard Douglas back and forth and I can only
17 assume what Prince is saying.

18 MR. NOOTER: Objection.

19 MR. HOSS: Object.

20 THE COURT: Let the witness finish, okay, Mr. Hoss?

21 And then you can object and strike it.

22 You can clear that up, Ms. Perry.

23 BY MS. PERRY:

24 Q. What did you hear Douglas saying with reference to Coach
25 Riddick?

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EXHIBIT

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1 A. That sounds like a good account, give me the information.
2 What number? I will get back to you what number. How we are
3 going to do this, blah, blah, blah. And when Douglas hangs the
4 phone up he would say that he got an account, Prince gave him
5 an account, it is a coach, he coaches runners and he has a bank
6 account with SunTrust and he thinks that it sounds good. He is
7 going to go ahead and get a check.

8 Q. When Douglas was speaking with Prince you couldn't hear
9 Prince, could you?

10 A. No, I couldn't hear Prince.

11 Q. But you could hear Douglas?

12 A. Yes.

13 Q. And then you discussed it with Douglas after the phone
14 conversation?

15 A. Yes.

16 MR. NOOTER: Object to the leading.

17 MS. PERRY: I'm actually just summarizing what --

18 THE COURT: What she is doing is going over what had
19 been unclear that I had asked to be clarified. So, it is
20 technically leading and I trust you won't do it again. So, go
21 ahead, Ms. Perry.

22 BY MS. PERRY:

23 Q. You stated that Douglas told you that Coach Riddick trained
24 athletes?

25 A. Yes.

1 A. Again, Douglas would tell me and also I'm right there and
2 Douglas is saying to Prince, Did you Fed Ex the check yet? It
3 is a day late. I'm waiting. I'm about to go to New York. I
4 need to know before I leave if the check is going to be there.
5 Q. Did you ever see checks that were sent back from Virginia
6 to New York?

7 A. Yes.

8 Q. We will get to that later.

9 MR. HOSS: Your Honor, my objection is that is not a
10 proper foundation for this witness to testify that someone else
11 at a different address received something when she does not
12 have personal knowledge that that person actually received it.

13 THE COURT: She's testifying to what others told her
14 pursuant to 801(d)(2)(E) and, anyways, you have got cross.

15 MR. HOSS: Thank you.

16 THE COURT: But the statement is admissible as given.

17 Go ahead, Ms. Perry.

18 BY MS. PERRY:

19 Q. Did you ever -- were you aware of any conversations that
20 Mr. Shyne had with Coach Riddick?

21 A. Yes. This conversation he had with Coach and Prince.
22 Usually all the time he's on the phone three-way with Coach and
23 Prince.

24 Q. So this would be a conference call?

25 A. Yes.

1 Q. Were you aware of one such conversation or several? Can
2 you quantify how many conversations that you were aware of
3 between Shyne, Riddick and Prince?

4 A. I would say about two or three that I'm in the room.

5 THE COURT: Can you tell us roughly when these took
6 place?

7 THE WITNESS: I would say maybe early 2005, around
8 then. I don't remember the exact month or what time, exactly.

9 Q. Well, you testified earlier that you believe you met Prince
10 in the spring of 2005?

11 A. Correct, right. And it is shortly after that.

12 Q. Were you aware of any discussion about what would be said
13 if the check came back as counterfeit?

14 A. Yes.

15 MR. HOSS: Objection.

16 MR. NOOTER: Objection.

17 THE COURT: Sustained. We have to re-ask that
18 question.

19 MR. HOSS: And --

20 MS. PERRY: I will re-ask it.

21 Q. Were you aware of whether any checks were actually sent
22 down to Virginia?

23 A. Yes. I know of two checks that were sent down to Virginia.

24 Q. Describe them, please?

25 THE COURT: Why doesn't she first -- now ask her if
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1 Q. How do you know that?

2 A. There was a lot of conversation back and forth. Douglas
3 told me it cleared. Everybody was happy.

4 Q. Do you know what account that check was deposited into?

5 A. I believe it was the SunTrust account. Because when
6 Douglas mentioned to me that he had gotten an account for the
7 coach, he said it was a SunTrust account. So, he told me to
8 send the check down for the coach. I assume it was the
9 SunTrust account.

10 Q. Had you ever heard of SunTrust prior to these
11 conversations?

12 A. No.

13 Q. Were you aware of any discussions about what would be said
14 should this check be discovered to be counterfeit?

15 A. Yes.

16 I was in the room when there was a conference call
17 with Douglas, the Coach and Prince. I heard Douglas saying:
18 Well, you know, that sounds good. You know, we could use that
19 excuse.

20 And when Douglas hanged up the phone he said that they
21 agreed upon if the check comes back, the coach will say that he
22 trained someone and it would possibly be like someone
23 international, this way it will be hard for them to trace if we
24 get caught and he just -- the person just gave him a bad check
25 and left him hanging. Kind of like someone just, you know,

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1 gave him a bad check for him to train the person and just left
2 him hanging.

3 Q. So, to be clear, the excuse -- did Douglas Shyne tell you
4 that that was an excuse that would be used if the check came
5 back as counterfeit?

6 A. Yes. Because he was, like, yeah, that sounds good. You
7 know. When he hung up the phone this is what they said, yeah,
8 that sounds good, kind of like talking. Yeah, that sounds
9 good.

10 Q. And then when he got off the phone he clarified what the
11 excuse would be?

12 A. Yes correct.

13 Q. Just to make sure it is clear, what was that excuse?

14 A. That there was --

15 MR. HOSS: Objection. Asked and answered.

16 THE COURT: Overruled. Because there is a difference
17 between what she is overhearing and what he tells her
18 afterwards.

19 MS. PERRY: Yes, your Honor.

20 THE COURT: This is what he told her afterwards, is
21 that right, Ms. Perry?

22 MS. PERRY: That's my understanding, yes.

23 THE COURT: Go ahead, Ms. Singh.

24 BY MS. PERRY:

25 Q. Are you describing now what Mr. Shyne told you about the

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1 excuse?

2 A. Yes.

3 THE COURT: After the phone conversation?

4 THE WITNESS: Yes.

5 THE COURT: Go ahead.

6 THE WITNESS: That the coach will say that he was
7 training someone from international and they gave him this
8 check and it happens that the check is bad. The check didn't
9 clear. So.

10 Q. You mentioned that there were a number of conversations
11 about the check clearing and everyone was happy, I believe you
12 said?

13 A. Yes.

14 Q. Were there any discussions about how the proceeds were
15 going to be divided?

16 A. Not that I heard.

17 I do know that when the checks -- we received the
18 checks from Virginia, the checks came with no name, like who
19 was going to be paid to. And I heard Douglas on the phone
20 giving the information, like the check that you sent for
21 \$10,000 is going Ephraim Richardson. And he was calling out
22 the amount that he already pre-typed so Douglas was just
23 telling him the name.

24 Q. Who is him?

25 A. Prince and Riddick on the phone.

1 Q. Douglas was reciting on the phone the names for the payees?

2 A. Yes. Yes, who it was going to.

3 Q. And were checks eventually, to your knowledge, sent back
4 from Riddick's account?

5 A. Yes. These are the checks -- after we received the check
6 from Virginia from Riddick's account we received it with just
7 the amount typed in and a signature, the person who it was
8 going to. It was not in there. I typed those names in there.

9 So, Douglas was on the phone with Prince and Riddick
10 saying that these are the amounts and these are the names
11 they're going to.

12 MR. HOSS: Objection, your Honor. There is no
13 foundation as to how she knows who is on the phone, who is on
14 the other end of the phone.

15 THE COURT: Do you want to lay that foundation?

16 Q. How did you know who Douglas Shyne was talking to.

17 THE WITNESS: Because he was calling their names.

18 MR. HOSS: And when was this, Judge?

19 Q. Is this all in the general time -- do you have a specific
20 date for when this conversation was held?

21 A. No, I don't remember the specific date but it's around the
22 time -- it is shortly after the check was sent to Virginia,
23 shortly. Then we received the Fed Ex package with checks from
24 Steve and we typed the names in there. The checks came without
25 any names.

1 later coming onto summertime.

2 Q. Summertime of what year?

3 A. 2005. It was -- it wasn't exactly summertime. It was --
4 you needed a little jacket so it was probably July, June in the
5 evening. You need a little jacket.

6 Q. So you believe you met Mr. Montgomery in Manhattan after
7 the deposit of the 18,000-dollar check into his accounts?

8 A. Yes, I believe so.

9 Q. Getting back to the 375,000-dollar counterfeit check. Did
10 you become aware at some point that bank investigators had
11 spoken to Mr. Riddick about this check?

12 A. Yes.

13 (Continued on next page)

1 BY MS. PERRY:

2 Q. How did you learn that?

3 A. Douglas told me that the investigators went to speak to
4 Riddick and he was upset. Also, Prince was upset. He was very
5 upset because his wife's account was frozen.

6 Q. Who was upset?

7 A. Steve was upset because his wife's account was frozen. He
8 had put some money in her account and her account was frozen
9 and he was upset about it. She was upset about it.

10 Q. Did Mr. Shyne tell you specifically why Prince was upset?

11 A. Yes. He said Prince was upset too because he had put some
12 money in his girlfriend's account and did not want her to get
13 involved. And he was just very upset about that.

14 Q. Did you ever discuss with Mr. Shyne why Mr. Prince put
15 money into his girlfriend's account?

16 A. No.

17 Q. Do you know -- describe two checks that you are aware of
18 that went down to Virginia -- I will withdraw that question.

19 Do you know any banks where -- do you know which banks
20 the checks that went down to Virginia were deposited in?

21 A. SunTrust.

22 Q. Do you believe both checks or one check or what do you
23 know?

24 A. I only know for sure one check, \$375,000.

25 Q. Are you certain that that's the check that was deposited in

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1 Q. It made you sick that you got caught?

2 A. No. It made me sick that I did all these things.

3 Q. I don't understand. So you did it for three years, didn't
4 you?

5 A. Yes.

6 Q. Did you get sick every time you did something?

7 A. Seeing it in writing and summing it all together makes me
8 sick.

9 Q. Did you get sick every time you did something?

10 A. No, I didn't. No.

11 Q. Did you get me sick selling Rodriguez' ID?

12 A. No.

13 Q. Did you get sick when you sold another client's Vanessa
14 Duchin's ID?

15 A. No. No.

16 Q. Did you get sick when you went on shopping sprees?

17 A. No.

18 Q. Did you get sick when you drove the Maserati?

19 A. No.

20 Q. You were just sick that you got caught, can we agree on
21 that?

22 A. No.

23 Q. Tell me what you are sick about?

24 A. No. It makes me sick with everything on paper, everything
25 together during the whole years that I have been doing it. It

1 makes me sick to see -- I know better why this is -- I can't
2 believe it was me.

3 Q. You did it because of greed, right?

4 A. Yes.

5 Q. You weren't expressing any sort of remorse when you saw it?
6 You are joking, right?

7 A. No, I am not joking.

8 Q. Were you crying to your brother when you spoke to him about
9 any of the conversations I mentioned earlier?

10 A. I don't remember, but I --

11 Q. Were you crying at all?

12 A. I don't remember, sir. But most of the times I spoke to my
13 brother, I try to be as strong as possible because my kids was
14 with him. He was facing a hard time, life disconnected. He
15 didn't have any money. I tried to be strong and encourage him
16 even though I was hurting.

17 Q. Try to be strong now, please.

18 A. I am.

19 Q. Listen to me for a second. In the tape recorded
20 conversations that you listened to, did you hear yourself cry
21 at all?

22 A. Sometimes, yes.

23 Q. Did you hear yourself cry when you said I got to do what I
24 got to do, I have to go speak to the prosecutor?

25 A. No.

1 MS. PERRY: Can she be allowed to finish her answer?

2 THE COURT: Mr. Kelleher, please allow her to finish
3 her questions.

4 Q. How do you know the clothes you are wearing are not part of
5 the fraud?

6 A. I have had these clothes a long time since I was working
7 with Allstate.

8 Q. You remember that outfit but you can't remember what you
9 did with the \$180,000 that you got from the Morgan Stanley
10 deal?

11 A. Yes.

12 Q. How many other checks did you -- big checks did you
13 participate with Shyne and Toybe?

14 A. I don't know the number. I don't remember.

15 Q. You pled guilty to all of them, didn't you?

16 A. Yes. But I don't remember the back of my head the total
17 amount of the checks. It's a lot. I don't remember.

18 Q. Can you even approximate how many millions of dollars you
19 guys stole?

20 A. A lot. Over a million dollars.

21 Q. Could it be over two million?

22 A. Yes, possibility.

23 Q. Could it be over three?

24 A. It is within three to five.

25 Q. You think it is somewhere between three and five million?